

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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GUIDELINES FOR OPERATING AN ANIMAL RESCUES OR SHELTERS IN THE COMMONWEALTH OF MASSACHUSETTS

The Massachusetts Department of Agricultural Resources (MDAR) is responsible for protecting the health of domestic animals in the Commonwealth. In an effort to control the spread of disease associated with shelter and rescue activities, MDAR executed Emergency Order 1-AHO 05 (the Order) which requires the registration of those engaged in the activities of operating a rescue/shelter or transporting animals into the Commonwealth for the purpose of rescue or adoption.

To achieve the intent of the Order, MDAR established policies for determining the operation of shelter/rescue versus other operations addressed by the Massachusetts General Laws (M.G.L.). The information that follows is the criteria that MDAR has been using to register shelters/rescues since the inception of the Order.

To distinguish between operations which must be licensed under M.G.L. Chapter 129 §39A and shelter/rescue operations, MDAR instituted a policy whereby it would register shelter/rescue operations whose appearances and activities resemble that of a public pound rather than operations engaged in the business of operating a pet shop. Shelters and rescues must comply with all of the laws, regulations, orders and policies of the state and federal governments. MDAR has had a long-standing policy of working with other state and federal agencies to assure compliance with the overlapping laws and jurisdiction. MDAR's policies prohibit issuing licenses or registrations to individuals or entities operating in violation of existing laws.

To be consistent in its application the shelter/rescues must comply with the following standards:

Consistently act as a public pound (e.g. municipally operated shelters);

And

If the shelter/rescue charges a fee for adoption or solicits funds, goods or services that would be defined as income by the IRS or the Massachusetts Department of Revenue (DOR) the entity must be properly organized as a nonprofit entity recognized by the IRS and the DOR. If the shelter/rescue solicits funds, goods or services that would be defined as charitable contributions the entity must be properly registered with the Massachusetts Office of the Attorney General;

Or

If the shelter/rescue pays the costs of all the shelter/rescue efforts and does not charge nor accept money, fees, donations or charity in general from the public or from the people adopting the animals, MDAR will accept a notarized statement signed by a proper signatory for the shelter/rescue indicating the following:

The shelter/rescue pays for all cost and does not accept reimbursement, donations, charity or any other income (with or without profit) as defined by the IRS, the Department of Revenue or Massachusetts Division of Public Charities.